IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2914 OF 2005

Mrs.Manisha C.Talajiya ...Applicant

Vs.

Phiroze Peston Jamas
and Anr. ...Respondents

...

Mr. R.R.Bhosale i/b Kishor N.Shriyna Advocate for Applicant
Ms.S.V.Gajare, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 6,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Addl. Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai in C.C.No.197/S/1999. In the said case the process is issued under Section 381 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of the statement, the trial Court shall not proceed with the trial for a period of four weeks from today. In any event, the next date before the trial Court is 8.8.2005.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court,

the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]